

**CCDLA**  
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March 16, 2009

Hon. Andrew J. McDonald, Senator  
Hon. Michael P. Lawlor, House Representative  
Chairmen, Judiciary Committee  
Room 2500, Legislative Office Building  
Hartford, CT 06106

**Re: Raised House Bill No. 6576, An Act Concerning Larceny**

Dear Chairmen and Committee Members:

My name is Conrad Ost Seifert and I am an attorney practicing in Old Lyme. I am the President-Elect of the Connecticut Criminal Defense Lawyers Association, CCDLA, and I am submitting this testimony on behalf of the CCDLA, as well as on behalf of myself.

CCDLA is a statewide organization of approximately 350 lawyers in both the public and private sectors dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States Constitutions are applied fairly and equally, and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to the criminal justice system.

The CCDLA supports Raised Bill Number 6576, an Act Concerning Larceny. The Act increases many of the threshold dollar amounts in the larceny statutes, starting with C.G.S. §53a-122, Larceny in the first degree and going in order to Larceny 2<sup>nd</sup>, Larceny 3<sup>rd</sup>, Larceny 4<sup>th</sup>, Larceny 5<sup>th</sup> and Larceny 6<sup>th</sup> degree. Larcenies in the first, second and third degrees are felonies. Larcenies in the fourth, fifth and sixth degrees are misdemeanors. The last time this set of statutes was substantively and uniformly changed was 1982. Prior to 1982, Larceny 5<sup>th</sup> and Larceny 6<sup>th</sup> degree did not exist as offenses. These two statutory crimes were created by Public Act 82-271. These two statutes have not been modified in any way since their enactment in 1982. So the current larceny sixth statute, C.G.S. §53a-125b, states that “a person is guilty of larceny in the sixth degree when he commits larceny...and the value of the property or service is two hundred fifty dollars or less.” The proposed Bill raises the dollar amount to \$500.00 or less.

Similarly, the current larceny fifth statute, C.G.S. §53a-125a currently states “a person is guilty of larceny in the fifth degree when he commits larceny...and the value of the property exceeds two hundred fifty dollars.” The proposed bill doubles the threshold amount to \$500 or more.

Similarly, larceny in the fourth degree, C.G.S. §53a-125, was last amended in Public Act 82-271 and as currently written makes it a Class A misdemeanor when the value exceeds \$500. The proposed Bill raises the dollar amount that must be exceeded to \$1,000.

Larceny first, second and third degrees are all felony offenses. Larceny third degree is a Class D felony and currently under C.G.S. §53a-124(a)(1), as regards a motor vehicle, the dollar amount is \$5,000 or less and under C.G.S. §53a-124(a)(2), the value must exceed \$1,000 for other property or services. The proposed Bill doubles these amounts to \$10,000 or less for the motor vehicle and more than \$2,000 for other property or services.

Larceny second degree, C.G.S. §53a-123, is a Class C felony and is very similar to larceny third degree except that as regards motor vehicles it criminalizes values above \$5,000 and as regards other property or services it criminalizes value above \$5,000. The proposed Bill doubles these amounts to \$10,000.

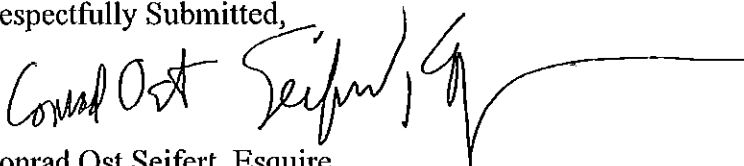
As regards larceny in the first degree which is a Class B felony, the proposed Bill increases the threshold values from greater than \$10,000 to greater than \$20,000 as regards both motor vehicles and other property. However, please note that under C.G.S. §53a-122(a)(4), the threshold amount relative to defrauding a public community remains the same, greater than \$2,000.

According to the Consumer Price Index, \$1.00 in say October of 1982 is equal to \$2.23 in 2008. Putting it another way, because of inflation, *it takes \$22,300 in today's dollars to purchase what \$10,000 bought in 1982.* The proposed Bill therefore adjusts for inflation after a 27 year span of the statutory amounts not being adjusted. It should be considered policy neutral. Using the 1982 dollar amounts as a baseline, an \$1,100 larceny in 1982 or an \$1,100 larceny today in March of 2009 are both Class D felonies in violation of C.G.S. §53a-124(a)(2). Adjusted for inflation, the 2009 \$1,100 larceny is equivalent to taking \$493.27 in 1982 dollars. ( $\$1,100/2.23 = \$493.27$ .) However, under

the proposed Bill, the larceny of \$1,100 in 2009 would fall under C.G.S. Section 53a-125(a) because the amount exceeds \$1,000 but does not exceed \$2,000. It would be a violation of larceny in the fourth degree. Thus, a defendant found guilty of an \$1,100 larceny under the proposed Bill would not lose their right to vote and would not be a felony convict. Under the current statute, such a person loses their right to vote and becomes a felon.

In conclusion, when you analyze the spectrum of statutory dollar amount increases, passing this Bill makes a great deal of common sense. In 1982 I suspect that were several types of new cars that could be bought for \$10,000 and today in 2009 there are a few new cars that can be bought for \$20,000, so focusing on larceny in the first degree for a moment, by raising the dollar amounts as proposed, the original intent from 1982 regarding seriousness of the statutory offense will be largely restored. Doing nothing and leaving the statutory amounts as they are now and as they have been since 1982 causes the unintended consequence of imposing more severe convictions and punishments because of the impact of inflation. Thank you for your time and consideration.

Respectfully Submitted,

  
Conrad Ost Seifert, Esquire

President-Elect, Connecticut Criminal Defense Lawyers Association